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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,258	09/21/2001	Hitoshi Yashio	33805	1453
116	7590	07/27/2005		
PEARNE & GORDON LLP			EXAMINER	
1801 EAST 9TH STREET			SHEPARD, JUSTIN E	
SUITE 1200				
CLEVELAND, OH 44114-3108			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/889,258	YASHIO ET AL.
	Examiner	Art Unit
	Justin E. Shepard	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/13/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 7/13/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because neither an English translation, nor a document listing the relevance of the reference, were provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Specification***

2. The abstract of the disclosure is objected to because on line 7, the words do not appear to have any spacing between them. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 4, line 19; the word "tome" should be replaced with "time."

Appropriate correction is required.

### ***Claim Objections***

3. Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See

MPEP § 608.01(n). Accordingly, the claim 5 has been examined as only being dependent on claim 1, and not claims 1-4.

Claim 5 is objected to because of the following informalities: Claim 5 appears to have the same limitations as claim 4, with only rearranging and the phrase "further dividing" left out. If it is the case where claim 5 is supposed to be interpreted as written, then claim 5 would be objected to because it does not further limit claim 1, of which it is dependent on. Appropriate correction is required.

Claims 4 and 5 are objected to because of the following informalities: The phrase "division synthesis display" is not separated by any spaces. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Schuler.

5. Referring to claim 1, Schuler discloses a video retrieval apparatus comprising: image list synthesis-display means for displaying a list of a plurality of stored encoded pictures (figure 1B; column 9, lines 59-60) in synthesized form (column 10, lines 2-6) on a single screen; picture selection means for selecting an arbitrary image from a listed image group in order to select the encoded picture containing said image (column 2,

lines 35-36); and picture division-synthesis-display means for dividing the selected encoded picture on a time axis (column 7, lines 50-55) and repeatedly synthesizing (column 2, lines 54-55) and displaying each divided picture from the start to the end (column 2, line 62) on a single screen (column 2, lines 44-47) in order to perform simultaneous division and regeneration of the encoded picture.

6. Referring to claim 2, Schuler discloses a video retrieval apparatus comprising: image list synthesis-display means for displaying a list of a plurality of stored encoded pictures (figure 1B; column 9, lines 59-60) in synthesized form (column 10, lines 2-6) on a single screen; picture selection means for selecting an arbitrary image from a listed image group in order to select the encoded picture containing said image (column 2, lines 35-36); and picture division-synthesis-display means for selecting several times for the time axis of the selected encoded picture (column 7, lines 50-52, 60-65) and synthesizing (column 2, lines 54-55) and regenerating respective pictures having said several times as regeneration start times (column 2, line 62) from the start on a single screen (column 2, lines 44-47) in order to perform simultaneous division and regeneration of the encoded pictures.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuler in view of Edgar.

7. Referring to claim 3, Schuler discloses a video retrieval apparatus comprising: image list synthesis-display means for displaying a list of a plurality of stored encoded pictures (figure 1B; column 9, lines 59-60) in synthesized form (column 10, lines 2-6) on a single screen; picture selection means for selecting an arbitrary image from a listed image group in order to select the encoded picture containing said image (column 2, lines 35-36); and repeatedly synthesizing (column 2, lines 54-55) and displaying each divided picture from the start to the end (column 2, line 62) on a single screen (column 2, lines 44-47) in order to perform simultaneous division and regeneration of encoded pictures.

Schuler does not disclose a video retrieval apparatus where the picture division-synthesis-display means for detecting the scene switching points of the selected encoded picture based on the detected scene switching points.

Edgar discloses a video retrieval apparatus where the picture division-synthesis-display means for detecting the scene switching points of the selected encoded picture based on the detected scene switching points (column 3, lines 30-38)).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Edgar's method of dividing up the pictures in the Schuler apparatus. The motivation for doing this would have been to simplify video editing by keeping video segments whole (column 3, lines 44-46)

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Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuler as applied to claims 1 and 2; and over Schuler in view of Edgar as applied to claim 3 above, both sets in further view of Protheroe.

8. Referring to claim 4, Schuler discloses a video retrieval apparatus according to any of the preceding claims, wherein a picture group is displayed in synthesized form and performs simultaneous division and regeneration of the resulting pictures on a single screen.

Schuler does not disclose a video retrieval apparatus according to any of the preceding claims wherein the picture division synthesis display further divides the pictures.

Protheroe discloses a video retrieval apparatus according to any of the preceding claims wherein the picture division synthesis display further divides the pictures (column 4, lines 27-31; Note: being able to select a clip and view it with more temporal detail is being interpreted as being equivalent to further dividing up a selected clip).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the further dividing method from Protheroe in the apparatus disclosed by Schuler. The motivation for doing so would have been to be able to view multiple clips at multiple temporal scales (column 3, lines 44-54).

9. Referring to claim 5, Schuler discloses a video retrieval apparatus according to claim 1, wherein the picture division synthesis display means performs simultaneous division and regeneration of a plurality of encoded pictures on a single screen, said plurality of encoded pictures selected via the video selection means.

Schuler does not disclose a video retrieval apparatus according to claim 1, wherein the pictures are already divided.

Protheroe discloses a video retrieval apparatus according to claim 1, wherein the pictures are already divided (column 4, lines 27-31; Note: being able to select a clip and view it with more temporal detail is being interpreted as being equivalent to further dividing up a selected clip).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the further dividing method from Protheroe in the apparatus disclosed by Schuler. The motivation for doing so would have been to be able to view multiple clips at multiple temporal scales (column 3, lines 44-54).

### ***Conclusion***

10.: The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mankovitz, U.S. Patent Number 5,541,738, Electronic Program Guide.

Arman, U.S. Patent Number 5,606,655, Method for Representing Contents of a Single Video Shot Using Frames.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



VIVEK SRIVASTAVA  
PRIMARY EXAMINER